

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, May 21, 2013

ABEDI, Mohammed	D-37163	Referred by Decision Review
Motion:	Affirm the panel's January 30, 2013, decision to deny parole for the reasons stated by the panel and because a review of the transcript reveals no bias on the part of the panel. The new information presented to the Board does not suggest a substantial likelihood of resulting in a substantially different decision upon a rehearing.	
Motion by:	Turner	
Second by:	Figueroa	
Not Present:	Zarrinnam	
Abstained:	Garner	
Decision:	Motion carried.	
ALSIN, Dennis	C-38627	Referred by Decision Review
Motion:	Set aside the Miscellaneous Decision issued by the Legal Division on May 7, 2012; vacate the July 18, 2012, hearing decision; and affirm the January 30, 2012, grant of parole, subject to review by the Governor pursuant to the California Constitution, Article 5, section 8, subdivision (b).	
Motion by:	Peck	
Second by:	Garner	
Not Present:	Zarrinnam	
Abstained:	Anderson, Roberts	
Decision:	Motion carried.	

DEDMON, Ethel	W-91681	Penal Code section 1170(e)
Decision:	Motion carried.	
Motion:	Recommend to the court that the prisoner's sentence be recalled or the prisoner be resentenced based on the Board's finding that the prisoner is terminally ill with an incurable condition caused by an illness or disease that would produce death within six months; the prisoner is medically incapacitated with a medical condition that renders her permanently unable to perform activities of basic daily living, and results in the prisoner requiring 24-hour care; and the conditions under which the prisoner would be released or receive treatment (namely, the representations from the prisoner's family that she can reside with her niece) would not pose a threat to public safety.	
Motion by:	Labahn	
Second by:	Montes	
Not present:	Zarrinnam	
Abstained:		
Decision:	Motion carried.	
LOSE, Phillip	E-52617	Governor-Referred
Motion:	Affirm the panel's decision to grant parole made on December 26, 2012, because the prisoner no longer poses an unreasonable risk of danger to the public for the reasons stated by the granting panel.	
Motion by:	Roberts	
Second by:	Figueroa	
Not Present:	Zarrinnam	
Abstained:		
Decision:	Motion not carried.	
Motion:	Schedule a rescission hearing to determine whether the inmate's December 26, 2012, grant of parole was improvidently granted, based on the following fundamental errors: lack of credibility, lack of insight and minimization of responsibility.	
Motion by:	Garner	
Second by:	Anderson	
Not Present:	Zarrinnam	
Abstained:		
Decision:	Motion carried.	

OCHOA, Raul	J-28119	Referred by Decision Review
Motion:	Vacate the decision of the Board at the prisoner's April 9, 2012, hearing and schedule a re-hearing to comply with Penal Code section 3041.5(a)(4).	
Motion by:	Anderson	
Second by:	Labahn	
Not Present:	Zarrinnam	
Abstained:		
Decision:	Motion carried.	
ORTIZ, Carlos	D-42705	Referred by Decision Review
Motion:	Schedule a hearing to determine if the panel's decision on February 12, 2013, pursuant to Penal Code section 3000.1 should be rescinded due to new information indicating the prisoner's parole plans are no longer viable and no alternative parole plans are available, resulting in an increased risk of danger to public safety.	
Motion by:	Turner	
Second by:	Labahn	
Not Present:	Zarrinnam	
Abstained:		
Decision:	Motion carried.	
SEGURA, Ana	X-32167	Referred by Decision Review
Motion:	Vacate the January 23, 2013, hearing decision and schedule a re-hearing on the next available calendar due to the panel's failure to consider all relevant and reliable information available and to articulate a nexus to current dangerousness in its statement of reasons. The Board further directs that a new comprehensive risk assessment be prepared for use at the re-hearing.	
Motion by:	Figueroa	
Second by:	Labahn	
Not Present:	Zarrinnam	
Abstained:		
Decision:	Motion carried.	

TRAN, Hung	P-13510	Referred by Decision Review
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Motion:	Vacate the January 24, 2013, grant of parole due to new information indicating the prisoner's parole plans are no longer viable and no alternative parole plans are available, resulting in an increased risk of danger to public safety; the Board further directs that a new hearing be scheduled on the next available calendar.
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Motion by:	Peck
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Second by:	Garner
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Not Present:	Zarrinnam
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Abstained:	
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Decision:	Motion carried.
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TREJO, Luis	P-33043	Referred by Decision Review
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Motion:	Affirm the February 27, 2013, grant but schedule a rehearing for the sole purpose of recalculating the prisoner's parole release date using the correct life term start date.
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Motion by:	Peck
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Second by:	Garner
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Not Present:	Zarrinnam
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Abstained:	
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Decision:	Motion carried.
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